

## **REMARKS / DISCUSSION OF ISSUES**

Claims 1-8 are presently under substantive examination. Claim 1 is in independent form. Unless indicated otherwise, claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language.

### **Objections to the Drawings**

Applicants gratefully acknowledge the withdrawal of the objections to the drawings and to the specification.

### **Rejections under 35 U.S.C. § 112**

The rejection of claims 1-8 is again considered and amendments are made to claim 1 in order to advance prosecution. In particular, the potential confusion over the term 'sensor element' has been eliminated by the amendment. Withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is earnestly solicited.

### **Rejections Under 35 U.S.C. § 103**

Claims 1, 4, 5 and 8 were rejected under 35 U.S.C. § 103(a) as being obvious over *Oyama, et al.* and *Ruile, et al.* For at least the reasons set forth below, Applicants respectfully submit that this rejection is improper and should be withdrawn.

Claim 1 has been amended to more clearly contrast at least one difference between the features of the claim and the disclosure of the applied art.

Claim 1 recites:

*“...a resonance circuit, said resonance circuit comprising a resonance frequency (f) determining sensor element or being electrically coupled to a resonance frequency determining sensor element, **a remote power transmission element operative to receive power and to provide electrical power to the device,***

In an embodiment described in connection with Fig. 1 of the filed application, the device (illustratively a biosensor cartridge) 1 is provided with a photodiode 3 as a remote power transmission element. By shining light 2 on the photodiode the device is provided with power. In another embodiment described in connection with Fig. 10 of the filed application, a remote power transmission element comprises a coil 101 forming a part of an RF power receiving element which is arranged to receive power via an RF power signal at a frequency f1. This frequency differs from the RF frequency f2 of the oscillator. By using different **frequency the power signal** does not interfere with the measurement signal.

Clearly, the claims as amended reflect the powering of the device by the receiving of power by the remote power transmission element and its providing of electrical power to the device.

The Office Action concedes that the reference to *Oyama, et al.* fails to disclose a device comprising a remote power transmission element for receiving a resonant frequency. The Office Action then turns to *Ruile, et al.* in an attempt to cure this defect. The reference to *Ruile, et al.* is drawn to a radio-interrogated surface waver sensor, in which element 12 is a variable impedance that is electrically connected to a surface wave structure 26. An RF signal 30 is interrogative of the structure 26 and creates surface acoustic waves therein. The element 12 acts as a terminating impedance for a RF voltage. This voltage is produced in the structure 26 by virtue of the acoustic surface wave. Since the electrical impedance of element 12 changes with the amplitude of the surface waves in the structure 26, the terminating impedance of the structure also changes.

Thus, element 12 acts as a terminating impedance and is affected by the amplitude of the structure 26. However, *Ruile, et al.* does not disclose at least the noted features of claim 1. Particularly, the reference does not disclose or suggest the powering of the device by the ***remote power transmission element***, which receives power remotely (e.g., light on a photodiode) and to provide electrical power the device.

For at least the reasons set forth above, Applicants respectfully submit that the rejection of claim 1 and the claims that depend therefrom is improper. As such, and while in no way conceding as to the propriety of the combination of references, Applicants submit that claim 1 and the claims that depend therefrom are patentable over the applied art.

2. Claims 2, 3, 6, 7 and 8 were rejected as being obvious over *Oyama, et al.* and *Ruile, et al.* and tertiary references. These claims depend from claim 1 directly or indirectly. For at least the reasons set forth above, Applicants respectfully submit that these claims are patentable as a matter of law.

### **Conclusion**

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:

Phillips Electronics North America Corp.

A handwritten signature in black ink, appearing to read 'W. S. Francos', is written over a horizontal line.

by: William S. Francos (Reg. No. 38,456)

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